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(3)

BEFORE THE HON'BLE M.P.STATE ADMINISTRATIVE TRIBUNAL

BENCH AT RAIPUR (CHHATTISGARH)

O.A. No._____/2001

CO/(S) 3287/01

Balram Patel
son of Shri Paina Ram Patel,
Asstt. Teacher, Primary School
Sindhitarai, Distt. Janjgir Champa
Chhattisgarh. ... Applicant

VERSUS

1. State of Chhattisgarh,
Through- Secretary,
School Education Department,
Mantralaya , D.K.S.Bhawan,
Raipur (Chhattisgarh).

2. Director,
Public Instructions Chhattisgarh
Pension Bada, Raipur (C.G.).

3. District Education Officer,
District Janjgir Champa.
Chhattisgarh. ... RESPONDENTS

APPLICATION UNDER SECTION 19 OF THE STATE ADMINISTRATIVE TRIBUNAL ACT 1985.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3787 of 2005

Petitioner — Balram Patel

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anupam Dubey, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary School, Sindhitarai, District – Janjgir Champa was transferred to Middle School, Kurda, on the same terms and conditions vide impugned order dated 10.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 22.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 14.9.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge